

**PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: **Mail**

NOV 2 2 2004

**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**(703) 746-4000**

**or Fax**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22883 7590 09/27/2004

**SWERNOFSKY LAW GROUP PC**  
**P.O. BOX 390013**  
**MOUNTAIN VIEW, CA 94039-0013**

11/23/2004 MBEYENE2 00000060 10084405

01 FC:1501 1370.00 OP  
 02 FC:8001 9.00 OP

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

|                         |                    |
|-------------------------|--------------------|
| <i>Depositor's name</i> | (Depositor's name) |
| <i>DD</i>               | (Signature)        |
| <i>11/17/2004</i>       | (Date)             |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 10/084,405      | 02/25/2002  | Srinivasan Viswanathan | 103.1061.01         | 8754             |

TITLE OF INVENTION: FLEXIBLE DISABLING OF DISK SETS

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE |
|-------------|--------------|-----------|-----------------|------------------|----------|
|-------------|--------------|-----------|-----------------|------------------|----------|

|                |    |        |     |        |            |
|----------------|----|--------|-----|--------|------------|
| nonprovisional | NO | \$1330 | \$0 | \$1330 | 12/27/2004 |
|----------------|----|--------|-----|--------|------------|

| EXAMINER      | ART UNIT | CLASS-SUBCLASS |
|---------------|----------|----------------|
| TRUONG, BAO Q | 2187     | 711-114000     |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

*Swernofsky Law Group PC*

2 \_\_\_\_\_

3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

*Network Appliance, Inc.*

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

*Sunnyvale, CA*

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are enclosed:

Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies *Three (3)*

4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number *50-0365* (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  
 b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

*SA Swernofsky*

Date *11-16-2004*

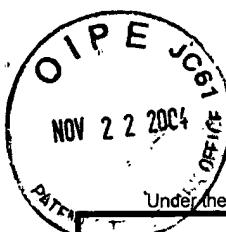
Typed or printed name

*STEVEN A. SWERNOFSKY*

Registration No. *33,040*

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



22883

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |   |                        |                         |
|--|---|------------------------|-------------------------|
|  |   | Application Number     | 10/084,405              |
|  |   | Filing Date            | Feb 25, 2002            |
|  |   | First Named Inventor   | Viswanathan, Srinivasan |
|  |   | Art Unit               | 2187                    |
|  |   | Examiner Name          | Truong, B.              |
| Total Number of Pages in This Submission | 9 | Attorney Docket Number | 103.1061.01             |

### ENCLOSURES (check all that apply)

|  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form (2 copies)<br><input checked="" type="checkbox"/> Fee Attached (PTO Form 2038 – 2 copies)<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Part B – Fee(s) Transmittal (2 copies)<br>Transmittal of Issue Fee Letter<br>Return Postcard |
| <input type="button" value="Remarks"/>   |  |   |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |                      |                 |
|-------------------------|----------------------|-----------------|
| Firm or Individual name | Steven A. Swernofsky | Reg. No. 33,040 |
| Signature               |                      |                 |
| Date                    | 11-16-2004           |                 |

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

|                      |               |
|----------------------|---------------|
| Type or printed name |               |
| Signature            |               |
|                      | Date 11/17/04 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*In you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.*



22883

Attorney Docket 103.1061.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Viswanathan

Art Unit: 2187

Serial No. 10/084,405

Examiner: Truong, B.

Filed: 2/25/2002

For: Flexible Disabling of Disk Sets

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to:

Commissioner for Patents  
MAIL STOP ISSUE FEE  
Alexandria, VA 22313-1450

on 11/17/04 by CD  
Date \_\_\_\_\_ Name \_\_\_\_\_

**TRANSMITTAL OF ISSUE FEE**

Honorable Commissioner  
for Patents  
MAIL STOP ISSUE FEE  
Alexandria, VA 22313-1450

Dear Sir:

With respect to the above-identified patent application, enclosed herewith for filing are the following:

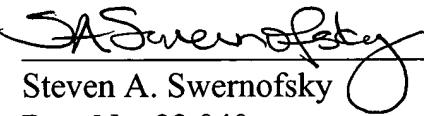
1. Part B —Fee(s) Transmittal (2 copies);
2. Fee Transmittal Form SB/17 (2 copies); and
3. Credit Card Payment Authorization in the amount of

\$1379.00 for payment of the Issue Fee (\$1370.00) and

for three (3) copies of the printed patent (\$9.00).

Respectfully submitted,

Dated: 11-16-2004



Steven A. Swernofsky  
Reg. No. 33,040

Swernofsky Law Group  
P.O. Box 390013  
Mountain View, CA 94039-0013  
(650) 947-0700



22883

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1379.00)

## Complete if Known

|                      |                     |
|----------------------|---------------------|
| Application Number   | 10/084,405          |
| Filing Date          | 2/25/2002           |
| First Named Inventor | Viswanathan, et al. |
| Examiner Name        | Truong, B.          |
| Art Unit             | 2187                |
| Attorney Docket No.  | 103.1061.01         |

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None Deposit Account

|                        |                         |
|------------------------|-------------------------|
| Deposit Account Number | 50-0365                 |
| Deposit Account Name   | Swernofsky Law Group PC |

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

| Large Entity | Small Entity  | Fee Description                  | Fee Paid  |
|--------------|---------------|----------------------------------|---|
| Fee Code     | Fee Code (\$) | Fee Code (\$)                    | Fee Description   |
| 1051         | 130           | 2051                             | 65 Surcharge - late filing fee or oath  |
| 1052         | 50            | 2052                             | 25 Surcharge - late provisional filing fee or cover sheet                     |
| 1053         | 130           | 1053                             | 130 Non-English specification   |
| 1812         | 2,520         | 1812                             | 2,520 For filing a request for ex parte reexamination                         |
| 1804         | 920*          | 1804                             | 920* Requesting publication of SIR prior to Examiner action                   |
| 1805         | 1,840*        | 1805                             | 1,840* Requesting publication of SIR after Examiner action                    |
| 1251         | 110           | 2251                             | 55 Extension for reply within first month                                     |
| 1252         | 430           | 2252                             | 215 Extension for reply within second month                                   |
| 1253         | 980           | 2253                             | 490 Extension for reply within third month                                    |
| 1254         | 1,530         | 2254                             | 765 Extension for reply within fourth month                                   |
| 1255         | 2,080         | 2255                             | 1,040 Extension for reply within fifth month                                  |
| 1401         | 340           | 2401                             | 170 Notice of Appeal  |
| 1402         | 340           | 2402                             | 170 Filing a brief in support of an appeal                                    |
| 1403         | 300           | 2403                             | 150 Request for oral hearing  |
| 1451         | 1,510         | 1451                             | 1,510 Petition to institute a public use proceeding                           |
| 1452         | 110           | 2452                             | 55 Petition to revive - unavoidable   |
| 1453         | 1,370         | 2453                             | 685 Petition to revive - unintentional  |
| 1501         | 1,370         | 2501                             | 685 Utility issue fee (or reissue)  |
| 1502         | 490           | 2502                             | 245 Design issue fee  |
| 1503         | 660           | 2503                             | 330 Plant issue fee   |
| 1460         | 130           | 1460                             | 130 Petitions to the Commissioner   |
| 1807         | 50            | 1807                             | 50 Processing fee under 37 CFR 1.17(q)  |
| 1806         | 180           | 1806                             | 180 Submission of Information Disclosure Stmt                                 |
| 8021         | 40            | 8021                             | 40 Recording each patent assignment per property (times number of properties) |
| 1809         | 790           | 2809                             | 395 Filing a submission after final rejection (37 CFR 1.129(a))               |
| 1810         | 790           | 2810                             | 395 For each additional invention to be examined (37 CFR 1.129(b))            |
| 1801         | 790           | 2801                             | 395 Request for Continued Examination (RCE)                                   |
| 1802         | 900           | 1802                             | 900 Request for expedited examination of a design application                 |
|              |               |                                  | \$9.00  |
|              |               | Other fee (specify)              | 8001 Patent Copies (3)  |
|              |               | Reduced by Basic Filing Fee Paid |   |
|              |               | SUBTOTAL (3)                     | (\$ 1379.00)  |

\*\* or number previously paid, if greater; For Reissues, see above

| SUBMITTED BY      |                      | Complete if applicable            |        |                        |
|-------------------|----------------------|-----------------------------------|--------|------------------------|
| Name (Print/Type) | Steven A. Swernofsky | Registration No. (Attorney/Agent) | 33,040 | Telephone 650-947-0700 |
| Signature         | <i>SA Swernofsky</i> |                                   |        | Date 11-16-2004        |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.